

**BOARD OF MADISON COUNTY COMMISSIONERS**  
**January 18, 2022, Meeting Minutes**

On Tuesday, January 18, 2022, a meeting of the Board of Madison County Commissioners came to order at 9:30 a.m. in the Second Floor Court Room of the Administrative Office Building in Virginia City, Montana, with Commissioners Dan Allhands, Ron Nye, and John Heckler present. Jane Bacon, Commissioners' Clerk, was present to take minutes.

Those people in attendance at the meeting were Emilie Saylor, Maggie Good, Monte Hansen, Jennifer Westfall, Cody Marxer, Beth Famiglietti, Rebekah Norton, Hannah Brook, Phil Fortner, Duncan Hedges, Brett Schriock, Steve Garback, Laurie Buyan, Tommy Luksha, and Dale Olson. Ryan Wolter, IT Support Specialist, administered the Webex connection. Those who attended via Webex or by phone included Craig Erickson, Allison Veland, Becky Lawson, Jeremiah Theys, Jonathan Weaver, Allen Rohrback, Jennifer Martens, Lynda Holt, T. Downton, Chad Tree, Kyle, Andy/Abby Thomas, Jolene Palmer, Pam Birkeland, Mike Callahan, Janie Alt, Carmin Hill, Kila Shepherd, Gail Nelson, and Sabrina Sigourney.

**Approval of Minutes:** After review, John Heckler moved to approve the December 21, 2021, Board of Commissioners' meeting minutes as amended. Ron Nye seconded the motion. All voted aye and the motion carried.

**Public Health Office:** Emilie Saylor, Public Health Director, met with the Board to discuss the following topics. Maggie Good, Big Sky Owners Association, (BSOA), Monte Hansen, Ennis resident, and Jennifer Westfall, Human Resources, were present for this portion of the meeting.

- **COVID Update including Nursing Homes Status:** Emilie updated the Board regarding COVID status. The County has a total of 1,549 confirmed positive cases, there are 66 active cases with 24 more pending confirmation, 1,463 have recovered, the fatality count remains at 20, and there are no active hospitalization as of this morning. Montana has 212,078 confirmed positives, a big increase in active cases from 7,713 last week to 11,448 this week, fatalities slightly increased to 2,945, there are 195 active hospitalizations, and the numbers indicate that cases are milder compared to last fall. She reviewed the 10% test positivity rate, noting that more people are testing, and daily case trends in the County. She compared current and cumulative active cases with other Montana counties which reflects cases since March of 2020, reviewed the vaccine dashboard showing fully-vaccinated people in Montana (53%) and in the County (45%), and reviewed vaccine uptake by age group. Pharm 406 is conducting a mobile clinic on January 22<sup>nd</sup> and 23<sup>rd</sup> for Sheridan, Virginia City, and Ennis, and has several types of vaccines available besides COVID, including TDAP, pneumonia, and shingles. Emilie noted that COVID has been detected in some of the County's schools and with larger employers in the area, but nothing significant. Public Health currently has home tests and has already handed out over 200, and as of tomorrow test kits can be ordered from the Federal government and the State will be receiving more test kits soon.  
Madison Valley Manor currently has 19 residents and is still in COVID outbreak status since a positive case was documented on December 19<sup>th</sup>, one resident is isolated, and one staff member is out. Emilie pointed out that residents are isolated for 10 days, not 5, and because they require dedicated staff, outbreaks are a hardship for the entire facility. All staff and residents are PCR-tested daily.  
Tobacco Root Mountains Care Center has 23 residents and is in outbreak status since late last week when one staff member tested positive. No residents are infected, quarantined, or hospitalized, but four staff members are quarantined. Transmission rate in the County is high. Residents and staff are tested every 3-5 days, and visitation is allowed with education about transmission risks and testing. Staff vaccination rates are 83%, 96% of residents are vaccinated, and some unvaccinated staff members have expressed interest in getting the vaccine.

**Public Discussion on Items Not Listed on the Agenda but Within the Board's Jurisdiction:** Chairman Allhands invited members of the public present to identify themselves. Maggie Good, Big Sky Owners Association (BSOA), expressed appreciation for the recent improvements to Jack Creek Road, and said it seems

much safer. She noted that BSOA formed a Sustainability Committee that is analyzing growth in Big Sky and addressing concerns such as water supply, traffic, and wildlife. John discussed water supply, pointing out that supply is not the actual issue as much as the capacity to serve the population given changes in water resources and demand, he suggested additional water terminology that may provide a common language for discussion, offered to share his knowledge with the Committee, and he and Maggie briefly discussed Big Sky's growth and those water issues that have been identified and documented. Later in the meeting, they also discussed Big Sky's TIGER grant and work delays due to high prices and busy contractors, Big Sky's traffic problems, growth, and rising property values. Monte Hansen, Ennis resident, said he came to introduce himself and answer anybody's questions since he applied for a position on one of Madison County's Advisory Boards, and briefly discussed his professional and volunteer experience. He also expressed appreciation for Jack Creek Road improvements since he works in Big Sky and drives from Ennis every day.

**Planning Office:** Cody Marxer, Planner I, met with the Board to discuss the following topics. Beth Famiglietti, Lone Mountain Land, Maggie Good, BSOA, Monte Hansen, Ennis resident, and Rebekah Norton, Clerk and Recorder's Office, were present for all or a portion of this topic.

- **Aggregation of Lots 15 and 16, Madison Overlook 2 Subdivision, Moonlight Basin Ranch:** Cody said Lots 15 and 16 are currently undeveloped, the proposed amended plat would aggregate the two lots into a single 0.884-acre lot, and there are no outstanding issues. After review, John Heckler moved to accept the amended plat aggregating Lots 15 and 16 of Moonlight Basin Madison Overlook 2 Subdivision, located on the north side of Moonlight Trail directly north of the Madison Overlook 1 Subdivision, within Moonlight Basin in Big Sky, Montana. Ron Nye seconded the motion. All voted aye and the motion carried.

**Claims:** The Board approved claims.

**Madison Valley Cemetery Board Appointment:** There was no discussion on this topic.

**Tire Replacement – District 3:** John discussed replacing equipment tires in District 3, noting high replacement prices and availability issues.

**Portable Fuel Tank – District 3:** John discussed purchasing a portable fuel tank for District 3 in the current year's budget. Discussion included helping Madison Valley Manor with their fuel, discounts that may be available, investigating availability of a tank located in the State yard, and regulations that need to be met. John will obtain bids and return with the information.

**Great West Engineering/SMA Architects:** Craig Erickson, Great West Engineering, and Becky Lawson, SMA Architects, met with the Board via Webex to discuss the following topic. Allison Veland, MVM Administrator, also participated by Webex. Hannah Brook, Grant Writer/Administrator, and Maggie Good, BSOA, were present for this portion of the meeting.

- **Madison Valley Manor Renovation Project:** Craig said the generator is in place and that TW Enterprises has tentatively scheduled January 24, 2022, for startup, which takes two days and requires the presence of a TW Enterprises technician and electrician team to oversee the process. The old generator is slated to go to the Ennis Airport per the Board's request. Allison forwarded two additional repair proposals from Johnson Controls, the estimated total so far was discussed, and Allison said they are hoping the parts expected at the end of the week will help to get the rooms heating properly. In Becky's discussion of the kitchen renovation project, her latest research on the purchase of a walk-in cooler/freezer is likely to take seven months and cost around \$75,000. Ideally the contractor for the project would order the equipment but no contractor has been found yet, and discussion ensued about getting additional bids, going ahead with the order, and seeing if State procurement might offer a lower price. Craig recommended requesting an extension from the Department of Commerce for a year beyond the current grant contract, which would allow until June 30, 2023, to get the project completed, John suggested asking for more time until December 31, 2023, to leave room for negotiation due to economic conditions and availability, and Craig will draft a request from the Board.

**Gravel Crushing Plans for 2022:** Jonathan Weaver and Jeremiah Theys, Great West Engineering, met with the Board by Webex to discuss the County's gravel crushing plans for 2022. Maggie Good, BSOA, Phil Fortner, Sheriff, and Duncan Hedges, Detention Officer, were present for this portion of the meeting.

- **Districts 1, 2, and 3; McKee Pit – A.M. Welles:** John suggested that District 3 buy the gravel that A.M. Welles has at the McKee pit for Jack Creek Road, since District 3 needs gravel now, and A.M. Welles can then crush what they need for springtime work on Jack Creek Road. Jeremiah will make that request and report back by next week. Jonathan noted that DEQ stormwater permit applications for Oxbow and Guinnane gravel pits are due, discussed quarterly and rain event reporting for all the gravel pits including McKee and Harrison, said he will work with the road foremen to make sure reports are completed, and there was discussion about DEQ requirements and making sure the road foremen and the Commissioners know the requirements. Jonathan will put together a plan to follow and present it to the Board in two weeks.

**Sheriff's Office Modifications:** Phil Fortner, Sheriff, met with the Board to discuss modifications to the Sheriff's Office. Duncan Hedges, Detention Officer, Brett Schriock, IT Director, and Maggie Good, BSOA, were present for this portion of the meeting. Phil said he is still waiting on a quote for the locking mechanisms on the door. Fixing the sump pump was discussed, as well as the importance of not disrupting the employees in the basement area. After discussion, John Heckler moved that Madison County's Maintenance Department modify the sump in the basement of the Sheriff's Office to make it a duplex sump with a high water alarm and to correct the existing drain line in the same room to slope toward the septic tank system, and change the piping of the discharge of the sump so the Y connection points downstream rather than upstream, and that the work be completed as soon as possible, well within four weeks. Ron Nye seconded the motion. All voted aye and the motion carried.

**3 Rivers Communications Fiber Optic Access Agreement:** The Board reviewed the fiber optic access agreement with 3 Rivers. Brett Schriock, IT Director, and Maggie Good, BSOA, were present for this portion of the meeting. Dan confirmed that the access is for the Weed Office and their shop. After review, Ron Nye moved to approve the 3 Rivers Communications fiber optic cable access agreement for the Madison County Weed Department office and shop. John Heckler seconded the motion. All voted aye and the motion carried.

**Human Resources:** Jennifer Westfall, Human Resources, met with the Board to discuss the following topics. Brett Schriock, IT Director, was present for the first portion of these topics, and Emilie Saylor, Public Health Director, participated by Webex.

- **IT Department - Move Jeff LeVeque to Permanent Full-Time Status with Corresponding Wages:** Jennifer and Brett reviewed the IT Department's request to move Jeff to permanent full-time, noting that currently he is temporary, part-time, and is paid at a lower rate in spite of the standard wage for his position being listed at \$28.22 in the Personnel Policy Manual. Brett noted that when his position went from hourly to salaried he didn't realize the step increase process was eliminated for the other IT employees, and the higher rate that was implemented was budgeted but Jeff's rate was not changed. Brett discussed several reasons behind his request, including Jeff's skill level and value as an employee, and increased stress on the department due to time spent with Webex meetings. Discussion included overtime, IT hours saved with the Sheriff's Office/Dispatch outsourcing its IT support, problems eliminated by installing new servers, using flexible hours to offset off-hours Webex meetings, and recent discussions about the benefit to the community of continuing Webex use. The Board asked Brett to bring back more information next week regarding overtime, Webex hours, and consequences of COVID-driven decisions on the IT Department.
- **New Hires**
  - **Trent Zimmerman transferring from CNA to Activities Assistant at MVM, effective January 26, 2022, starting at \$20.94:** Jennifer requested approval for hiring Trent Zimmerman as the MVM Activities Assistant and said the start date was pushed back one day. After review, John Heckler moved to approve transferring Trent Zimmerman from the position of CNA to the Activities Assistant at Madison Valley Manor effective January 27, 2022, starting at an hourly rate of \$20.94. Ron Nye seconded the motion. All voted aye and the motion carried.
  - **Kellie Greco – Public Health Clerk, effective January 19, 2022, starting at \$16.86:** Following review, Ron Nye moved to approve Kellie Greco for the Public Health Clerk position starting on January 19, 2022, at \$16.86 per hour. John Heckler seconded the motion. All voted aye and the motion carried.

- **Reinstate Nursing Home COVID Policy:** Jennifer pointed out that last week the U.S. Supreme Court upheld the vaccine mandate for all employees of facilities receiving CMS funds, so the policy the County put in place last November is being reinstated with updated dates. Employees must receive their first vaccine dose on or before January 27, 2022, and be fully vaccinated by March 14, 2022, or due process will occur. Discussion ensued about the percentage of staff vaccinated at each nursing home, staffing shortages, the irony of visitation policies that allow unvaccinated visitors, and reports of medical personnel who have tested positive being asked to return to work due to shortages. After discussion, Ron Nye moved to approve the COVID-19 Vaccination Requirements for Nursing Homes as presented with the changes in effective dates. John Heckler seconded the motion. All voted aye and the motion carried. Emilie clarified that these regulations were not determined at a local level, but at the Federal level.

**Public Hearing to Close a Portion of Mood Street in Pony:** Chairman Allhands opened a public hearing at 1:03 p.m. regarding a petition to close a portion of Mood Street in Pony, Montana. Steve Garback, Pony resident, Laurie Buyan, Executive Assistant to the Board of Commissioners, and Tommy Luksha, GIS Coordinator, were present for this hearing. Dan noted that written comments were received from members of the public, some in support and some opposed, and one asking the Board to consider charging fees with road closures. There was discussion about adjoining property owners, one parcel where ownership could not be determined, and the existence of alternate access to BLM land. Ron noted that the viewer's report committee looked at the road and due to the terrain, this portion of Mood Street is not a viable option. Hearing no additional public comment, Commissioner Allhands closed the public hearing at 1:12 p.m. Following review, Ron Nye moved to accept the petition to close the portion of Mood Street between Mill Street and Mallory Street and Block 3 and 4 of the original township of Pony, Montana. John Heckler seconded the motion. All voted aye and the motion carried. John asked about future development in Pony, Ron said it is limited due to limited space and terrain, and Steve said people continue to somehow add buildings on small lots, with or without septic.

**Public Hearing to Close a Portion of Taft Street in Pony:** Chairman Allhands opened a public hearing at 1:16 p.m. regarding a petition to close a portion of Taft Street in Pony, Montana. Steve Garback, Pony resident, Laurie Buyan, Executive Assistant to the Board of Commissioners, and Tommy Luksha, GIS Coordinator, were present for this hearing. Ron described the terrain on this portion of Taft Street and said he doesn't see it ever becoming a viable street. Dan pointed out the written comments received from members of the public, as noted above, and with no additional public comments closed the public hearing at 1:19 p.m. After review, Ron Nye moved to accept the petition to close the portion of Taft Street between Mill Street and Mallory Street and Block 2 and 3 of the original township of Pony, Montana. John Heckler seconded the motion. All voted aye and the motion carried.

Although not on today's Agenda, Steve informed the Board he is also working on a petition to open two blocks of Mallory Street in Pony. Seventeen people have signed the petition so far, he explained the reasoning behind it including the existing road being in the wrong location according to the original plat, and that the correct location is the only access to property he owns. Discussion ensued about requesting improvements to the road versus a petition to open it, physical barriers at the site, platting, prescriptive rights-of-way, and meeting next week in Pony to assess the road.

**Advisory Board Renewals and Representation:** Laurie Buyan, Executive Assistant to the Board of Commissioners, met with the Board to discuss Advisory Board renewals and non-renewals for 2022. Cody Marxer, Planner I, was present for a portion of this topic. Laurie discussed the Madison Valley Cemetery Board. After discussion, John Heckler moved to accept Rita Owens as a member of the Madison Valley Cemetery District Board to fulfill a three year unexpired term that will expire on December 31, 2023. Ron Nye seconded the motion. All voted aye and the motion carried. John commended all volunteers for past service and expressed intent to honor any requests to be taken off advisory boards. Laurie noted that those who requested to be replaced have served for quite a while. There was discussion about how to move forward regarding those who have not clearly replied about their willingness to continue on individual boards, and if they do not reply after a second attempt the default is to assume they wish to be replaced and the Board will appoint someone else in the position. After discussion, John Heckler moved to accept the resignations of LaTasha Garrison from the Big Hole River Advisory Board, Bill Holden from the Madison County Fair Board, Cody Marxer from the Housing Advisory Board, Cynthia Adams from the Mental Health Local Advisory Board, and Dick Flager from the Taylor Cemetery District Board, and to send them a letter of appreciation and advertise for replacements. Ron Nye seconded the motion. All voted aye and the motion carried. After further discussion, John Heckler moved to accept Tyler

Holland, Scott Payne, and Beau Bradley for continued service on the Airport Board for three year terms that will expire on December 31, 2024, and to commend them for the continued and past service. Ron Nye seconded the motion. All voted aye and the motion carried. There was discussion about the Board of Health and advertising for a vacant position that is also the medical director position. Ron Nye moved to accept the renewals of Melinda Tichenor and Margaret Borkko for three year terms on the Board of Health that will expire on December 31, 2024. John Heckler seconded the motion. All voted aye and the motion carried. Ron Nye moved to approve Jake Barnosky's renewal for a two year term on the Fair Board that will expire on December 31, 2023. John Heckler seconded the motion. All voted aye and the motion carried. Ron Nye moved to approve Rick Sandru and Gary Clark to serve on the Livestock Protective Committee for two more years, for terms that will expire on December 31, 2023. John Heckler seconded the motion. There was discussion about three year board positions with alternating expiration dates, and John said he would like to see increased cross-county participation on this board. All voted aye and the motion carried. The Mental Health Local Advisory Board (MHLAC) was discussed, including one board position that was previously accepted, and the appointment of a Commissioner to serve for one year. John said he met with the MHLAC board last week and would like to serve on that board, and noted for anyone listening that there are vacancies to be filled on the MHLAC. After discussion, Ron Nye moved to appoint John Heckler to the Mental Health Local Advisory Board for a term of one year, expiring on December 31, 2022. Dan Allhands seconded the motion. All voted aye and the motion carried. After further discussion, John Heckler moved to reappoint Emilie Saylor, Pam Birkeland, and Joyce Pearson to the Mental Health Local Advisory Council for four year terms that will expire on December 31, 2025. Ron Nye seconded the motion. All voted aye and the motion carried. There was discussion about non-voting Commissioner Liaisons to various boards for 2022. After review, Ron Nye moved to renew Verta Dorseth on the Twin Bridges Mosquito District Board for a three year term that will expire on December 31, 2024. John Heckler seconded the motion. All voted aye and the motion carried. The Planning Board was discussed, Laurie noted there are six positions up for renewal of two year terms, all six submitted renewals, and if accepted the Planning Board is full. Cody pointed out that the percentage of Planning activities that revolve around Big Sky is about 50%, but John discussed adding two members to the Planning Board and inviting participation from Big Sky for those two seats. Further discussion included Planning Board bylaws, consulting with the current Planning Board, amending a resolution, and agreement that Big Sky should be represented. After discussion, John Heckler moved for Steve Janzen, April Gerth, Laurie Schmidt, Darlene Tussing, David Laufenberg, and Rita Owens to be appointed for additional two year terms on the Madison County Planning Board that will expire on December 31, 2023. Ron Nye seconded the motion. All voted aye and the motion carried. Ron Nye moved to reappoint John Woodward to the Road Review Committee for another three year term that will expire on December 31, 2024. John Heckler seconded the motion. All voted aye and the motion carried. Laurie noted there is one more vacancy on the Road Review Committee. Ron Nye moved to reappoint Kristi Millhouse to the Tax Appeal Board for a three year term that will expire on December 31, 2024. John Heckler seconded the motion. All voted aye and the motion carried. There was discussion about the Weed Board's renewals, one of which is for a three year term from last year's expiration, so it will expire in two years. After discussion, Ron Nye moved to reappoint Rick Sandru to the Weed Board for a three year term that will expire in two years on December 31, 2023; and to reappoint Todd Durham and Mark Boyd to the Weed Board for three year terms that will expire on December 31, 2024. John Heckler seconded the motion. All voted aye and the motion carried. John reviewed Weed control activities in the Big Sky area. After review, Ron Nye moved to reappoint Michelle Shaw to the South Boulder Cemetery District Board for a three year term that will expire on December 31, 2024; Charlie Campbell to the Madison Valley Cemetery District Board for a three year term that will expire on December 31, 2024; Michael Walter to the Sheridan Cemetery District Board for a three year term that will expire on December 31, 2024; Jeanne Elpel to the Twin Bridges Cemetery District Board for a three year term that will expire on December 31, 2024; Jon Burgstrom to the Virginia City Cemetery Board for the two year remainder of a three year term that will expire on December 31, 2023; and Grant Brook to the Virginia City Cemetery Board for a three year term that will expire on December 31, 2024. John Heckler seconded the motion. All voted aye and the motion carried.

**U.S. Forest Service:** Dale Olson, Madison District Ranger, met with the Board to discuss the following topic. Joe Brummell, Director of Emergency Management, was present for a portion of this topic.

- **Goose Fire Suppression Repair:** Dale referred to last summer's 600-acre Goose Fire and explained that after a fire the Forest Service does an assessment, then requests funds to clean up the area including the roads. Work to be done next summer includes 16 miles of road work, and because the Forest Service crews as well as their normal contractors are stretched thin, they could pay the County (District 3) to do the work if willing by adding it to Schedule A, as long as the funds are used by September, 2022.

There was discussion about the County subcontracting the work, the work planned for Cliff & Wade Lakes Road, Davis-Bacon wage requirements, options such as committing to part of the road instead of the entire stretch, how the funds are budgeted, Forest Service engineers and road specifications, agreement details, estimated start date depending on weather conditions, traffic control, funds per mile, and gravel pit proximity if gravel is needed. The topic was continued and Dale will provide additional information next week.

**Public Discussion on Items Not Listed on the Agenda but Within the Board’s Jurisdiction:** Laurie Buyan, Executive Assistant, noted the receipt of an email in which Madison Valley Medical Center confirmed having a public hearing on the proposed ambulance district, so it was advertised in the newspaper. The Board recalled that a public hearing is not necessary if the referendum process is being used, it will simply go on the ballot. A call was made to Allen Rohrback, Madison Valley Medical Center CEO, to discuss the status and proper next steps for the proposed district and particularly whether the scheduled public hearing should held or cancelled. Allen will discuss the process with the Clerk and Recorder and inform the Commissioner’s office.

**Calendars:** The Board reviewed calendars. Laurie Buyan, Executive Assistant, was present for this portion of the meeting.

With no further business, the meeting was adjourned at 4:10 p.m.

**Next meeting:** The next regular Commission meeting will be held on Tuesday, January 25, 2021, beginning at 9:30 a.m. in the Second Floor Court Room of the Administrative Office Building in Virginia City, Montana.

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Dan W. Allhands, Chairman  
Board of Madison County Commissioners

Date Approved: February 8, 2022

Minutes prepared by:

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Jane Bacon, Commissioners’ Clerk

Attest: \_\_\_\_\_  
Paula McKenzie, Clerk and Recorder, Madison County